

REMARKS/ARGUMENTS

This amendment is respectfully submitted in response to the Final Office Action dated February 27, 2005. This amendment follows an April 5, 2005 telephone interview summarized below.

I. Introduction

Claims 14, 18, and 21 have been amended. Accordingly, claims 1-26 are now pending.

In the Office Action the Examiner rejected claims 1-26 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0125072 A1 to Dent (hereinafter "the Dent publication"), in view of U.S. Patent No. 6,535,730 B1 to Chow et al., (hereinafter "the Chow et al. patent").

While the Examiner lists claims 15 and 16 as being rejected, Applicant has been unable to find any discussion of these claims in the rejection. Accordingly, it is respectfully submitted that the rejection of these claims should be withdrawn since no specific grounds for rejecting these claims has been provided. If the Examiner does not withdraw the rejection of these claims it is requested that the Examiner cite where in the applied references the various E-mail features recited in these claims can be found.

As will be discussed below, the applied references, when considered alone or in combination, do not anticipate or render obvious the claimed invention.

II. Interview Summary

This interview summary is presented in the format suggested by the Patent Office.

1. Application Number: 10/081,310

2. **Name of Applicant:** Barry Paul Pershan
3. **Name of Examiner:** Shaima Q. Aminzay
4. **Date of Interview:** April 5, 2005
5. **Type of Interview:** Telephonic
6. **Name of Participants:**
Examiner: Shaima Q. Aminzay
Primary Examiner: Nick Corsaro
Applicants' Rep: Michael P. Straub
7. **Exhibit(s) Shown:** Proposed Amendment
Attached Hereto as Appendix A
8. **Claims discussed:** Claim 1, 14, 18 and 21
9. **Prior Art Discussed:**
U.S. Patent 6,536,730 to Chow et al.
U.S. Patent App 2003/0125072 to Dent
10. **Proposed Amendments discussed:**
The Amendments made herein were discussed.
11. **Discussion of General Thrust
of the Principal Arguments**

Applicants argued that, with regard to claim 1, the applied references did not disclose or suggest:

determining if the unanswered call is from a member of a group identified in a stored set of information associated with the called telephone number.

As discussed during the interview the issue is not whether the called telephone corresponds to a group. Rather, **claim 1 requires making a determination with regard to the caller, e.g., determining if the unanswered call is from a member of a group identified in a set of stored information.** This is not disclosed or suggested by the applied references.

With regard to the remaining claims, it was argued that the applied references did not disclose the **novel call handling of calls which are determined to have an unanswered call status**. The Dent reference does not describe detecting and handling calls which go unanswered. As discussed, the Chow et al. patent describes **handling unanswered calls** for which the called party does not affirmatively provide a call disposition instruction by sending them to voice mail or allowing them to go unanswered. (See col. 48, lines 15-25) **The reference does not teach providing the calling party the option of initiating a conference call in the manner recited in the various pending claims when call status information indicates that the call is unanswered.**

Accordingly, the references, even if combined, would not anticipate or render obvious the claimed subject matter. Furthermore, Applicant submits that there is no teaching, suggestion or motivation in the art to combine the references as done by the Examiner and that the combination is therefore improper.

12. Other Pertinent Matters Discussed: None

13. General Results/Outcome of Interview

The Primary Examiner indicated that Applicant should file a formal written response setting forth Applicant's arguments and that it would be considered.

Various issues discussed in the interview are discussed further in the sections of this response which follow.

III. The Present Invention

As discussed in the interview, in contrast to other systems, in some embodiments of the present invention, a **no answer condition** on a primary telephone number is used to **trigger** additional capabilities, such as allowing the caller to easily connect to other parties associated with the primary number.

This could be useful, for instance, in allowing groups of individuals, such as family members, to communicate with one another even when no one is available to answer a primary telephone number, such as a family residence number, associated with the group. With this embodiment, a primary number can receive calls normally. Thus, a caller normally is not allowed to access other names associated with the primary number. However, when there is a no answer condition the system allows the caller to access other numbers associated with the primary number.

As a further departure from other systems, in another embodiment of the present invention, calling party information, such as the calling party's telephone number or PIN is checked to determine if the **calling party** is a family member. If so, the calling family member is provided with an opportunity to initiate a conference call to all or some of the listed family members at their listed contact numbers. Callers who are not family members are not given the option of contacting other family members, and their calls are handled in the ordinary way (given a no answer condition) such as forwarding the call to a voice messaging system.

IV. The Dent Publication and the Chow et al. Patent Fail to Teach, Disclose, or Suggest the Claimed Subject Matter

The Examiner states that "Dent does not specifically disclose when call to a telephone number goes unanswered." Applicant agrees with Examiner that this limitation of the present invention is not taught by the Dent publication. The Examiner goes on to say that the Chow et al. patent "teaches to **detect** when a call to a telephone number goes unanswered (see for example, column 47, lines 45-48)." (Office Action page 3, bold added for emphasis) As discussed in the interview, the references even if combined do not render the claimed subject matter obvious.

1. The Applied References, Alone or In Combination Do Not Teach, Disclose or Suggest The Subject Matter of Claim 1

Independent claim 1 recites as an element:

determining if the unanswered call is from a member of a group identified in a stored set of information associated with the called telephone number;

This feature of claim 1 is not taught, disclosed or suggested by the applied references. Neither of the applied references discloses checking, e.g., based on the calling party number, to determine if an unanswered call is from "a member of a group identified in a stored set of information associated with the called telephone number." Accordingly, claim 1 and the claims which depend therefrom should be patentable over the applied references.

2. As Amended, The Combination of Applied References Does not Teach Disclose or Suggest The Subject Matter of Any of the Remaining Claims

Various embodiments of the invention are directed to the novel disposition of calls which are determined to go unanswered. In various embodiments, the calling party placing the unanswered call is presented with a list of group members who have contact telephone numbers stored in said set of information. After receiving information from the calling party who placed the unanswered call indicating the group member or members who the calling party would like to contact, a conference call is initiated. See, e.g., claim 17.

The Dent patent does not address the detecting and handling of unanswered calls in the claimed manner and the Examiner does not suggest otherwise. The Examiner cites the Chow et al. patent as disclosing the detection of unanswered calls. While Chow et al. discusses the processing of unanswered calls in which the called party takes no affirmative action, it does describe handling the unanswered call by forwarding the call to voice mail or letting the call go unanswered. (See, col 48, lines 14-25).

Accordingly, the Chow et al. patent, if combined with the Dent patent, would result in a system where unanswered calls are forwarded to voice mail or

allowed to go unanswered. The calling party would NOT be provided an opportunity to initiate a conference call to other group members.

To arrive at the claimed invention, which handles unanswered calls in the novel manner recited in the pending claims, the Examiner needs to do more than simply combine the Chow et al. patent and the Dent patent. The Examiner needs to alter the combination in accordance with the teachings of the present application so that the calling party, in the case of an unanswered call, is provided with the opportunity to start a conference call to one or more members of a group. Such a modification of the references appears to be the result of the use of hindsight which is improper.

Accordingly, it is respectfully submitted that the rejection of the pending claims should be withdrawn.

3. There is no reason to combine the two references.

For purposes of further review by the Examiner, Applicant again asserts that there is no reason to combine the references as proposed by the Examiner.

The Dent publication discloses associating a common number to a group of two or more mobile terminals, such that "when a call directed to the common number is received, the caller may be prompted to select an option for contacting group members, such as calling a specific group member, the first to answer, or all group members" (Abstract – emphasis added). Regardless of whether a caller intends to reach a particular party, the first available party, or conference all available parties, there would be no reason to consider invoking a procedure in the case of a **no answer** condition. If there is a no answer condition under any of the above scenarios, the purpose of the Dent invention has failed, and no other action is suggested or contemplated.

Further, in Applicant's invention, the other group members are contacted upon detecting the no answer condition. Therefore, even if there was a reason to consider applying further procedures in the Dent publication upon encountering a no answer condition, such procedures would clearly not include trying to contact individual members of the group, as in the present invention, as that procedure would have already been tried and would have failed by the time the no answer condition was encountered. Consequently, there would be no reason to apply further procedures in the Dent publication upon encountering a no answer status condition, and even if such procedures were applied, they would not result in anything like Applicant's invention.

V. **The Dent Publication and the Chow et al. Patent
Fail to Teach, Disclose, or Suggest the Claimed Subject Matter**

The pending claims are patentable because the independent claims recite the features indicated in bold below. The dependent claims are patentable for the same reasons as the claims from which they depend.

1) **Claims 1- 13 Are Patentable**

Independent claim 1, and claims 2-12 which depend therefrom, are patentable because claim 1 recites:

A communications method, comprising:
**detecting when a call to a telephone number goes
unanswered;**
***determining if the unanswered call is from a
member of a group identified in a stored set of information
associated with the called telephone number; and***
**when it is determined that the calling party is a
member of the group identified in said stored set of information:**
**presenting the calling party with a list of other
members of said group who have provided telephone numbers
for contact purposes;**
**receiving information from the calling party
identifying one or more members of the group who are to be
included in a conference call; and**

initiating a conference call to any group members identified by the received information.

2) **Claims 14-17 Are Patentable**

Claims 14-17 are patentable because independent claim 14, as amended, recites:

A communications system, comprising:
a telephone switch for receiving calls directed to a subscriber telephone number;
a peripheral device coupled to said switch
including:
i. circuitry for accessing a set of information corresponding to the subscriber telephone number, the set of information including a list of telephone numbers corresponding to a group of individuals associated with said subscriber telephone number;
ii. **circuitry for playing a message to a calling party who made an unanswered call to the subscriber telephone number, the message including the names of the group members who have included contact telephone numbers in said set of information;**
iii. **call conferencing circuitry coupled to said telephone switch for placing calls to members of said group selected by the calling party and for bridging said calls to the call placed by the calling party to the subscriber telephone number when said calls are answered; and**
a service control point coupled to said telephone switch including control logic for instructing said switch to connect an unanswered call directed to said subscriber telephone number to said peripheral device in response to receiving call completion status information indicating that the call has gone unanswered.

3) **Claims 18-20 Are Patentable**

Independent claim 18, and claims 19-20 which depend therefrom are patentable because claim 18 recites:

A communications method comprising:
storing a set of information including a list of members of a group associated with a telephone number who may be contacted when a call to said telephone number goes

unanswered, the set of information including for each group member who may be contacted, a contact telephone number;
detecting, based on the failure to receive an answer to the call, when a call to the telephone number associated with said group goes unanswered;
presenting the calling party placing the unanswered call with a list of group members who have contact telephone numbers stored in said set of information;
receiving information from the calling party indicating the group member or members who the calling party would like to contact; and
initiating a conference call using at least one contact telephone number obtained from the set of stored information corresponding to a group member indicated by the received information.

4) **Claims 21-26 Are Patentable**

Independent claim 21, and claims 22-26 which depend therefrom are patentable because claim 21 recites:

A digital storage medium, comprising:
a first set of stored information for providing a communications service, the set of stored information including:
i) **call process instructions responsive to a call completion status indicator signal indicating a non-answered call status,**
ii) a primary telephone number associated with a first communications service subscriber;
iii) a list of group members associated with said primary telephone number, and
iv) **for each of a plurality of members in said list:**
a) *a telephone number from which the group member may call said primary telephone; and*
b) *a telephone number which can be used to contact said group member.*

VI **Request For Clarification**

Applicant requests that the Examiner respond to Applicant's arguments and indicate where support for the features recited in the pending claims is disclosed.

1) With regard to the independent claims:

Where in the applied references is the calling party checked to determine if the calling party is a member of a group?

Where is there support for giving a caller, in response to detecting an unanswered call status, the opportunity to initiate a conference call to group members as opposed to simply transferring the call to voice mail or allowing it to go unanswered?

2) With regard to dependent claims 15 and 16, the Examiner listed these claims as being rejected but has failed to specify any specific ground for rejecting these claims which recite various E-mail features.

Applicant requests that the Examiner indicate where in the applied references the E-mail and other features of dependent claims 15 and 16 can be found in the applied references or that the Examiner withdraw the rejection of these claims.


VII. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. Accordingly, Applicants request that the Examiner pass this application to issue.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance the Examiner is invited to contact Applicant's undersigned representative by phone to discuss and hopefully resolve said issues. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made, the fee for which should be charged to Patent Office deposit account number 07-2347.

Respectfully submitted,

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Joel Wall, Attorney
Reg. No. 25,648
Tel.: (972) 718-4800

Verizon Corporate Services Group Inc.
600 Hidden Ridge Drive
Mail Code: HQE03H14
Irving, Texas 75038

Customer Number 32127

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 5-4-2005
Christian Andersen Date